

September 14, 2015

Regional Freedom of Information Officer
U.S. E.P.A., Region 5
77 West Jackson Boulevard (MI-9J)
Chicago, IL 60604-3590

re Freedom of Information Act request

Land and water in and around 232 Monroe Street, Saline, Michigan

To Whom It May Concern:

This is a Freedom of Information Act request. I am requesting on my own behalf copies of any and all information that the United States Environmental Protection agency that meet one or more of the following criteria:

- Orders, agreements, or findings that relate to air, water, and soil (surface and below-grade) quality;
- Monitoring or reporting requirements and expectations; and,
- Documentation on orders, agreements, or findings that have been properly closed-out.

This F.O.I.A. request relates to the approximately 10-acre property at and associated with 232 Monroe Street, Saline, Michigan, as well as areas surrounding, as covered.

This F.O.I.A. request relates to the period of January 1, 1980, through the present and ongoing..

Following are the names of entities of which I am aware which have been associated with ownership of 232 Monroe Street:

- Johnson Controls
- Hoover Universal
- Universal Die Casting
- Saline River Properties
- Banks of Saline

A zinc-metal die casting factory produced nickel-chrome-plated parts in an approximately 141,000-square-foot facility on this site, beginning, I believe, some time in the 1940s, and ending in 1988. Large, open discharge,

standing ponds were on this property for many years. Additionally, sizeable underground fuel-oil tanks were utilized in running facility operations.

The following have been true at least through the period spanned by this F.O.I.A. request:

- The Saline River runs along the southern border of this property.
- "Curtiss Park" abuts its western boarder.
- Some part of its northern border is bounded by residential property.

Based on my recollection of personal observations on-site some thirty years ago, specialized equipment was brought in under E.P.A. oversight in the early- to mid-1980s, to remove the underground fuel tanks and replace surrounding soil, due to contamination.

It is also my understanding, from other research, that in 1985, the 232 Monroe Street site underwent a R.C.R.A. closure under the guidance of the EPA and the Michigan Department of Environmental Quality"

Subsequently, there appears to have been established an open-ended E.P.A. "Administrative Order on Consent" (A.O.C.) with Johnson Controls, effective September 19, 2003.

Beyond that, a May 10, 2006, "Brownfield Plan" prepared by Canopus Environmental Group revealed, in part:

Previous site investigations conducted by NTH Consultants, Ltd. (NTH) of Farmington Hills, Michigan and ENTACT of Chicago, Illinois resulted in the identification of elevated levels (i.e. above Natural Resources and Environmental Protection Act [NREPA] Part 201 residual criteria) of volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs) and/or certain metals in site soils and groundwater. CEG conducted a Phase II Environmental Site Assessment (Phase II ESA) subsequent to the NTH and ENTACT investigations. The purpose of CEG's Phase II ESA (February 2005) was to (1) verify the presence of previously identified contamination in selected areas within the site manufacturing building; (2) evaluate soil and/or groundwater quality at selected locations not previously investigated; and (3) evaluate surface water sediment quality in the vicinity of a storm water outfall located south of the manufacturing building.

Laboratory analysis of selected samples collected during CEG's Phase II ESA confirmed the presence of certain VOCs (specifically cis-1,2-Dichloroethelene [cis-1,2-DCE] and vinyl chloride), and/or metals (specifically nickel and selenium) in soils and/or groundwater at con-

centrations exceeding NREPA Part 201 Generic Residential Drinking Water Protection or Residential Drinking Water criteria.

Based on observed site conditions and analytical data obtained during the CEG February 2006 Phase II ESA, as well as evaluation of the soil and groundwater quality data collected by NTH and ENACT, it is the opinion of CEG that residential contamination remains at the site at concentrations exceeding NREPA Part 201 Generic Residential Criteria. Therefore, the site qualifies as a 'facility' under NREPA Part 201 guidelines.

In 2010, Saline River Properties filed suit against Johnson Controls in U.S. District Court, Case No 10-10507. This boiled down to demand for compliance with certain provisions of the September 19, 2003, A.O.C. with E.P.A. That Court issued its final Opinion & Order on August 13, 2012. As I understand it (but I'm not a lawyer), the Court ruled that the A.O.C. obligations were open-ended -- ongoing -- and that the E.P.A. (as opposed to the Court) was the party best positioned to enforce its own A.O.C.

For the three years following that Court decision, and on to the present, I'm assuming, the Administrative Order on Consent remained in effect and subject to active oversight by E.P.A. But as I have personally driven past the property during that time and even before, it has never looked to me like anything at all was being done at 232 Monroe Street in Saline, Michigan. In fact, full-grown trees and dense ground cover had time to rise up and cover the lot.

Then, on or about this past August 3, 2015, Johnson Controls crews suddenly showed up on the site. They've stirred-up all sorts of dirt and debris into the air, graded the property with a significant bias for groundwater runoff across the property and toward the Saline River. Open double-trailer trucks hauled broken-up concrete and soil away almost as fast as they could be loaded, day-in, day-out, since mid-August.

Even where there are no crews working, on the weekends, there is a pronounced smell that can be discerned from out on the street. I feel it in my lungs when I try to breath when taking pictures or recording video, and it is awful.

Again, I see no current sign of the sort of oversight or handling concern that needed to be followed when just the fuel-oil tanks were taken out in the 1980s.

Therefore, I am filing this Freedom of Information Act request in hopes of getting some clear answers. I would like to know what determinations that the E.P.A. has made regarding 232 Monroe Street. What work has been au-

thorized? How are known (and unknown) environmental concerns with which the E.P.A. has and should be involved being monitored? What agreement or agreements are in place regarding the "ends" here? Who is responsible for assuring the future safety of people in Saline now and after whatever crews are now on-site leave?

Thank you for your prompt attention to this important filing.

Respectfully,

A handwritten signature in dark ink, appearing to read 'Dell Deaton', with a stylized, cursive script.

Dell Deaton
525 East Michigan Avenue #350
Saline, MI 48176